

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GARY O. ROBINSON,

Plaintiff,

v.

DWIGHT FONDREN,

Defendant.

Civil No. 08-1359 (JMR/JJG)

**ORDER ON REPORT AND
RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Docket No. 1-9) IS **DENIED AS MOOT**.
2. Respondent's motion to dismiss petition as moot (Docket Nos. 4, 6) IS **GRANTED**.
3. This matter is **DISMISSED** in its entirety and judgment entered.

Dated: March 30, 2009

s/James M. Rosenbaum
JAMES M. ROSENBAUM
United States District Judge